

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 ) 8:07CR319  
                                )  
vs.                         ) **FINAL ORDER OF**  
                               )  
                               ) **FORFEITURE**  
                               )  
BENJAMIN MANLEY,         )  
                               )  
Defendant.                 )

NOW ON THIS 13<sup>th</sup> day of May, 2008, this matter comes on before the Court upon the United States' Motion for Final Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On March 4, 2008, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 18, United States Code, Sections 111(a)(1), 111 (b)(1), 922(g)(1), 924(d) and Title 28, United States Code, 2461(c), based upon the Defendant's plea of guilty to Counts I, II and IV of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendant's interest in a .38 caliber Iver Johnson handgun, was forfeited to the United States.

2. On March 27, April 3 and 10, 2008, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the validity of their alleged legal interest(s) in said property. An Affidavit of Publication was filed herein on May 9, 2008 (Filing No. 33).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Plaintiff's Motion for Final Order of Forfeiture is hereby sustained.

B. All right, title and interest in and to the .38 caliber Iver Johnson handgun, held by any person or entity, is hereby forever barred and foreclosed.

C. The .38 caliber Iver Johnson handgun, be, and the same hereby is, forfeited to the United States of America .

D. The United States Bureau of Alcohol, Tobacco and Firearms for the District of Nebraska is directed to dispose of said property in accordance with law.

ORDERED this 13<sup>th</sup> day of May, 2008.

**BY THE COURT:**

s/ Joseph F. Bataillon  
**JOSEPH F. BATAILLON, CHIEF JUDGE**  
**United States District Court**